

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**CRIMINAL MINUTES - INITIAL APPEARANCE, ARRAIGNMENT,  
BOND/DETENTION HEARING/PRELIMINARY EXAM**

Case No.: 7:12CR00100-001 and -002

Date: 12/19/12

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**Defendants:**

**David Wade Coleman -001**

**Ronnie Steven Kress -002**

**Counsel:**

**Randy Cargill, FPD**

**Patrick Kenney, CJA**

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PRESENT:	JUDGE:	Robert S. Ballou, USMJ	TIME IN COURT: (3:59-4:12)/2 IA; (4:12- 4:15)/2 ARR; (4:15-4:24) Dft 2 Dtn; (4:24-5:12) Dft 1 Dtn
	Deputy Clerk:	Kristin Ayersman	
	Court Reporter:	FTR/Ayersman	
	U. S. Attorney:	Thomas Cullen	
	USPO:	Sami Cilek	
	Case Agent:	Chris Cummings, ICE	
	Interpreter:	none needed	

**INITIAL APPEARANCE AND BOND HEARING**

- ☒ Initial Appearance. Defendant(s) advised of charges, rights and nature of proceedings. Dft Coleman states he was given and took Librium at RCJ but does not know why. Dft Coleman states he has been diagnosed for mental health conditions and is receiving treatment from a psychologist for that. Dft Kress has no health issues currently that he is taking medication for and is not being treated for anything that might compromise his ability to participate in the hearing today. Both dfts advise the Ct that he understand the charges in the indictment.
- ☒ Government moves to unseal case as to both dfts. Court grants motion.
- ☒ Defendants request appointment of counsel – FPD appointed by oral order for dft Coleman. CJA appointed for Kress. Both dfts state their names on record – Ct finds PC that these are the people named in the indictment.
- ☐ Bond hearing held. Record proceedings, witnesses, etc
- ☒ Government does not oppose bond re Dft Kress; seeking detention for Dft Coleman.
- ☐ Defendant(s) not eligible for bond because state reasons not eligible.
- ☒ Bond set at 15K unsecured for Dft Kress. USPO has not had time to do report but dft did self-report today.
- ☐ Deft. notified of right to consular notification under the Vienna Convention.

In addition to the standard conditions of release, the following special conditions of release are imposed for Dft Kress:

- ☒ The defendant shall avoid contact outside the presence of his/her counsel with any alleged victims or potential witnesses regarding his/her case.
- ☒ The defendant shall report as directed by the probation officer, and shall promptly report any personal status changes to the probation officer: this shall include immediately reporting any contact by law enforcement officers regarding a criminal investigation or any additional criminal charges placed against the defendant; the defendant shall continue to reside at his/her current residence, and shall not change residences without first obtaining permission from the probation officer.
- ☒ The defendant shall abstain from the any use of alcohol or any use or possession of any controlled substances unless prescribed by a licensed treating physician for a legitimate medical purpose.
- ☒ The defendant shall not possess a firearm or other dangerous weapon and shall reside in a residence free of such.
- ☒ The defendant shall submit to random drug and or alcohol testing as directed by the probation officer.
- ☒ The defendant shall not travel outside the Western District of Virginia without first obtaining permission from the probation officer.

- ☒ The defendant shall submit to warrantless search and seizure of his/her person and property as directed by the probation officer for the purpose of determining if he/she is in compliance with his/her conditions of pretrial release. Dft's mother also subject to warrantless search/seizure.
- ☒ The defendant shall actively seek and/or maintain employment.
- ☐ The defendant shall maintain or commence an education program.
- ☒ The defendant shall surrender his/her passport to the Probation Office to be held pending further order of the court; the defendant shall not apply to obtain a passport.
- ☒ The defendant shall not associate with any known users/possessors of illegal controlled substances and shall not be present in any location where illegal controlled substances are being used and/or distributed, unless approved by his/her supervising officer in cooperation with law enforcement officers.
- ☐ The defendant shall be placed on home detention subject to electronic monitoring and all residential absences must be approved in advance by the probation officer.
- ☐ The defendant shall continue in his/her current mental health OR substance abuse OR both counseling/treatment program at his/her own expense.
- ☐ The defendant shall allow the probation officer open communication with any treatment agencies or health care providers for the purpose of monitoring the defendant's compliance with all treatment requirements.
- ☒ Any animals on the premises of the defendant's residence must be restrained in a way so as to not interfere with the probation officer's access to the defendant's residence and to ensure the officer's safety. Dft shall restrain pit bull to keep USPO safe; shall remove dog should USPO request dft to do so.
- ☒ Defendant advised of penalties and sanctions for failure to appear and/or violating conditions of release.

X Dft shall live at mother's residence and declare that as address of record.

### **DETENTION**

- ☒ Government moves for detention re Dft Coleman.
- ☐ Government moves for continuance of detention hearing.
- ☐ Defendant(s) moves for continuance of detention hearing. (Can be continued for up to 5 days)
- ☐ Detention hearing continued to KEYBOARD().
- ☒ Detention hearing held. USA calls Chris Cummings, ICE, sworn. Cross. Dft calls Audry Coleman, sworn. Cross. Ct questions witness. Dft counsel calls dft, sworn. Cross. Dft wants to make statement; counsel advises him not to do that. Argument USA. Ct questions USA re hysterics and dft's statements at time of search in January re flight to Mexico. Argument FPD. Ct addresses parties. Ct does not find risk of flight, but does find danger to community noting drug sales three days ago, willingness to sell to teens in community, ready access to get drugs, does not have adequate home plan for compliance ; dft remanded. Ct notes appeal rights.
- ☐ Findings of Fact:

### **PRELIMINARY EXAM**

(Only if arrested on criminal complaint)

- ☐ Defendant does not contest probable cause.
- ☐ Preliminary exam waived. Waiver form executed by parties.
- ☐ Preliminary Exam held. Record proceedings, witnesses, etc
- ☐ Probable cause found. Order will enter.
- ☐ Probable cause not found. Court orders complaint dismissed. Order will enter.

### **ARRAIGNMENT**

- ☒ Both defendants waive reading of Indictment/Information. ☐ Indictment/Information read.
- ☒ Both defendants arraigned and specifically advised of rights (Rule 11 F.R.C.P).

DEFENDANT(S) PLEADS:

DEF. #	GUILTY	NOT GUILTY	NOLO	REMARKS
1		all cts		

2		all cts		
3				
4				

- ☒ Jury trial set for TBA.
- ☐ Pretrial conference set for Pretrial conference date.
- ☒ Defendant Coleman remanded to custody - order forthcoming.
- ☒ Defendant Kress released on bond.

Additional Information: